

# David Lee

Partner | San Francisco

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David Lee is chair of Nossaman's Litigation Group. With more than 25 years of litigation experience, David focuses his practice on commercial matters relating to the furniture, consumer goods and software and technology industries. David handles copyright and trademark claims, trade secrets and Internet domain name disputes. He also provides a variety of business litigation services relating to contractual rights, corporate management and real estate. His clients consist of public entities, technology companies and business owners.

David routinely navigates clients through complex business and corporate litigation matters. He represents public entities and companies throughout all stages of growth—from early stage entrepreneurs to mature Fortune 500 companies—and provides risk management and general counsel to startups and growing companies involved in construction claim matters, intellectual property disputes, breach of royalty agreements and contract negotiations. Having served as lead counsel on numerous legal matters, David has successfully obtained verdicts in both jury and bench trials and has prevailed in arbitration proceedings. He has a proven track record of representing clients in appellate court proceedings and has successfully obtained early dismissals of class action lawsuits and other causes of action.

David is a contributing author for *Construction & Claims*, Nossaman's periodic digest of the headlines, statutory and regulatory changes and court cases involving construction news, claims, bid protests, contract administration and payment-related disputes.

## EXPERIENCE

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**Breach of Contract.** Represented a local Bay Area public entity named as a defendant in a contract dispute concerning allocated design and construction costs relating to a \$2.2 billion capital improvement program on a large regional wastewater facility. David co-lead the defense team in a 7-week jury trial that resulted in a complete defense verdict for the client.

**Breach of Contract.** Represented a large state Department of Transportation entity in a \$900 million design/construction dispute. David served as one of the lead attorneys in a 6-week arbitration hearing handling significant tasks including cross-examining the Claimant's key damages experts. As a result of the extensive and successful defense strategies, the matter resulted in a highly-favorable post-hearing settlement.

**Breach of Contract.** Represented a large, local, public port in the defense of a \$300 million claim brought by a national terminal operator alleging numerous violations, including several against California's Tidelands Trust Act.

**Breach of Contract.** David represented a prolific rock band in an action against its record label for breach of contract concerning royalty payments. Against potential claims of expired limitations periods, David attacked the viability of the underlying recording agreements and ultimately forced defendant to pay all outstanding royalties to client.

**Copyright Infringement.** A popular game manufacturer retained David to prosecute a copyright infringement action against a counterfeiting ring comprised of local and China-based corporate and individual defendants who sold knock-off products in the United States and abroad. After extensive discovery efforts, David achieved a stipulated judgment against defendants that required payment to the client of the maximum statutory damages allowable under the law for willful copyright infringement, as well as a permanent injunction against the future sale of counterfeit products.

**Domain Name Dispute.** Represented a local world-renowned science and education museum as a plaintiff in a dual trademark infringement action and domain name dispute against a competing science museum. David successfully prevailed in the Uniform Domain-Name Dispute-Resolution Policy (UDRP) proceeding resulting in the forced transfer of defendant's domain name to client, and thereafter resolved the federal infringement action with defendant's complete relinquishment of all offending use of client's trademarks.

**Trademark Infringement.** Represented the National Football League Properties, LLP and a local National Football League franchise in multiple trademark infringement and false designation of origin matters against defendants in connection with their unlicensed use of trademarks and sale of merchandise. Through the rapid initiation and prosecution of legal proceedings, clients achieved favorable monetary settlements and consent decrees prohibiting similar future conduct by defendants.

**Trade Secret Dispute.** Represented a public entity defendant in a multi-million dollar software trade secret dispute brought under the California Uniform Trade Secret Act (CUTSA) and federal Defend Trade Secret Act (DTSA). Through multiple successful motions for summary judgment, all eleven causes of action were dismissed in their entirety, permitting the client, as the prevailing party, to seek recovery of all incurred fees and costs.

**Software Service Agreements.** David represented an emerging software company in negotiations with a global media and entertainment corporation in connection with a valuable business services agreement. Throughout the negotiations, David protected his client's software development and intellectual property rights resulting in a mutually beneficial transaction.

## INSIGHTS

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### PUBLICATIONS

Author, "Know Your Cyber Insurance Gaps Before a Breach Hits," *Hotel News Now*, 11.02.2016

Co-Author, "How to Ramp up Employee Cybersecurity Training," *Hotel News Now*, 02.10.2016

Author, "Mosaic Theory and the Right to Search Guest Registries," *Without Prejudice*, 08.2015

Author, "Mosaic Theory: Viewing Guest Registries in the Modern Age," *Law360*, 07.06.2015

Author, "Court Dismisses Cyber-Attack Lawsuit Against P.F. Chang's for Lack of Actual Harm," *HL Converge*, 01.21.2015

Author, "The Taste of Failure," *HL Converge*, 12.05.2014

### SPEAKING ENGAGEMENTS

Speaker, "Cybersecurity and Privacy: How Protected Is Your Data?," Nossaman's 2017 Public Pensions & Investments Fiduciaries' Forum, San Francisco, CA, 11.30.2017

Panelist, "There's Been a Breach - Now What?," Nossaman & University of California, Irvine's 2017 Cybersecurity Symposium, Los Angeles, CA, 10.23.2017

Speaker, "Cyber Risks in Insurance and Reinsurance," 27th Annual Association of California Insurance Companies' General Counsel Seminar, Las Vegas, NV, 07.27.2016

Speaker, "How to Escape the Confusing Purgatory of Information Privacy Laws," Independent Insurance Agents & Brokers of California Blue Ribbon Conference, Big Island, HI, 05.03.2016

Speaker, "Strategies for Preventing a Cyber-Attack/Hack," 2016 InnSpire Conference & Trade Show, Monterey, CA, 02.02.2016

Speaker, "Cyber Security Seminar," Hotel Council of San Francisco, San Francisco, CA, 05.28.2015

Speaker, "Best Practices for Avoiding and Responding to a Cyber-Attack," Asian American Hotel Owners Association's 2015 Annual Convention & Trade Show, Long Beach, CA, 04.23.2015

Speaker, "Web Wary Travel: How to Safeguard Your Hotel from Internet-Related Legal Issues," California Hotel & Lodging Association, San Francisco, CA, 08.21.2014

## HONORS

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Selected to the Northern California Super Lawyers list, 2012-2018

## PRACTICES

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Intellectual Property

Copyright

Privacy, Cybersecurity & Data Protection

Trade Secrets

Trademark

Litigation

## EDUCATION

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University of San Francisco School of Law, J.D.

University of California, Davis, B.A.

## ADMISSIONS

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California

U.S. Court of Appeals, Ninth Circuit

U.S. District Court, Central District of California

U.S. District Court, Eastern District of New York

U.S. District Court, Northern District of California

U.S. District Court, Western District of Michigan